

Hudson	Phillips
Kazen	Ratliff
Krueger	Reagan
Lane	Roberts
Lock	Rogers
Martin	Secrest
Moffett	Smith
Moore	Willis
Owen	Wood
Parkhouse	

Absent

Fly Weinert

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 24, 1957.

Hon. Ben Ramsey, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following:

The House has concurred in Sen-
ate amendments to House Bill No.
418 by viva voce vote.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Reports of Standing Committee

Senator Kazen by unanimous con-
sent submitted the following reports:

Austin, Texas,
April 24, 1957.

Hon. Ben Ramsey, President of the
Senate.

Sir: We, your Committee on Game
and Fish, to whom was referred H. B.
No. 772, have had the same under
consideration, and we are instructed
to report it back to the Senate with
the recommendation that it do pass,
and be printed.

KAZEN, Chairman.

Austin, Texas,
April 24, 1957.

Hon. Ben Ramsey, President of the
Senate.

Sir: We, your Committee on Game
and Fish, to whom was referred H. B.
No. 732, have had the same under
consideration, and we are instructed
to report it back to the Senate with
the recommendation that it do pass,
and be printed.

KAZEN, Chairman.

Adjournment

On motion of Senator Hardeman

the Senate at 5:37 o'clock p.m. ad-
journed until 10:30 o'clock a.m. to-
morrow.

FIFTY-EIGHTH DAY

(Thursday, April 25, 1957)

The Senate met at 10:30 o'clock
a.m., pursuant to adjournment, and
was called to order by the President.

The roll was called and the follow-
ing Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chap-
lain, offered the invocation.

On motion of Senator Aikin and by
unanimous consent, the reading of the
Journal of the proceedings of yester-
day was approved.

Reports of Standing Committees

Senator Weinert submitted the fol-
lowing reports:

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the
Senate.

Sir: We, Your Committee on Ju-
risprudence, to whom was referred
H. C. R. No. 58, have had the same
under consideration, and we are in-
structed to report it back to the Sen-
ate with the recommendation that it
do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the
Senate.

Sir: We, your Committee on Ju-
risprudence, to whom was referred

H. C. R. No. 78, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 79, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 57, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 65, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 231, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 232, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 233, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 32, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 463, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Wa-

ter and Conservation, to whom was referred S. B. No. 460, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
April 24, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 899, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
April 24, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 459, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
April 24, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 706, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
April 24, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 622, have had the same under consideration and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senate Resolution 423

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate sixteen members of the Burleson High School Senior Class, accompanied by their sponsors, Mr. and Mrs. Leroy Dickinson and Mr. and Mrs. Bill Thompson; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and sponsors to the Members of the Senate.

Senate Resolution 424

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. M. V. "Ted" Cory of El Campo; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the guests to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 45, Granting Nash Gasoline Company permission to sue the State of Texas.

H. C. R. No. 54, Granting Anastacio Vargas permission to sue the State of Texas.

H. C. R. No. 88, Granting permission to C. B. McGee and wife, Erah Dee McGee to sue the State of Texas and the State Highway Department.

H. B. No. 558, A bill to be entitled "An Act authorizing the appointment of a water master in any suit to determine the right of one hundred or more parties to divert or use water of a surface stream in which suit rights are asserted to divert or use such water in four or more counties; prescribing the power, duties and authority of the water master; prescribing the jurisdiction, power and authority of the court in such cases; providing for the employment of necessary deputies and assistants; providing their duties, powers and authority; providing for the compensation of the water master and the compensation of the deputies and assistants and other employees provided for in the Act; providing for the assessment of cost of expenses of the water master and his office; providing for the payment of such costs and making other provisions relating thereto; providing a severability clause; providing this Act be cumulative and declaring an emergency."

H. B. No. 914, A bill to be entitled "An Act amending Chapter 243, Acts of the 53rd Legislature, Regular Session, 1953, so as to eliminate the present requirement that charges and rates for water furnished cities and towns of the District shall be uniform regardless of the distance from the source, and to provide that such charges and rates and any penalties to be imposed in connection therewith shall be fixed by unanimous vote of the District's Board of Directors; ratifying, confirming and validating (a) the District and its organization; (b) all acts and proceedings heretofore accomplished by its Board of Directors; (c) all elections heretofore held and bonds heretofore voted in the District; (d) all water supply

contracts heretofore authorized and executed on behalf of the District; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Bill 89 with House Amendments

Senator Hardeman called S. B. No. 89 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hardeman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Hardeman, Lane, Aikin, Ratliff and Krueger.

House Bill 14 Re-committed

On motion of Senator Martin and by unanimous consent H. B. No. 14 was re-committed to the Committee on Legislative, Congressional and Judicial Districts.

House Joint Resolution 17 on Third Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. J. R. No. 17, A Joint Resolution "Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding thereto a new section to be known as Section 64, by providing that the Legislature shall be authorized to pay a pension to retired Texas Rangers who are not eligible to participate in the State Employees Retirement System."

The resolution was read third time and passed by the following vote:

Yeas—21

Aikin	Owen
Bradshaw	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Smith
Krueger	Weinert
Lock	Willis
Moore	

Nays—8

Bracewell	Martin
Colson	Moffett
Hardeman	Secrest
Lane	Wood

Absent

Ashley	Gonzalez
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House Bill 260 on Second Reading

On motion of Senator Wood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 260, A bill to be entitled "An Act to amend 'an Act providing for the annexation of common and/or independent school districts to certain Junior College districts for Junior College purposes only; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 260 on Third Reading

Senator Wood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Ashley	Herring
Bracewell	Kazen
Bradshaw	Krueger
Colson	Lane
Fly	Lock
Fuller	Martin
Hardeman	Moffett

Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Ratliff	Willis
Reagan	Wood
Roberts	

Absent

Gonzalez

Present—Not Voting

Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent

Gonzalez

Senate Resolution 425

Senator Martin offered the following resolution.

Whereas, We are honored today to have in the gallery of the Senate thirty-three students from the Junior and Senior Classes of the Iredell, Texas, High School, accompanied by their school superintendent, Mr. Carlos E. Carter; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and

commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and their superintendent to the Members of the Senate.

Senate Resolution 426

Senator Fly offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, three members of the Future Homemakers of America from Yorktown High School, Yorktown, Texas, who are on their way to Dallas, Texas, for a state meeting, accompanied by their teacher and sponsor, Mrs. Vera W. Greene; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students and sponsor to the Members of the Senate.

House Bill 18 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up H. B. No. 18 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and take up H. B. No. 18 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hazlewood	Reagan
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Wood

Nays—2

Martin	Roberts
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Absent

Secrest	Willis
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Present—Not Voting

Hardeman

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 18, A bill to be entitled "An Act to more adequately provide for the effective regulation of traffic on highways for the purpose of improving traffic safety and the facilitation of vehicular traffic upon the roads of this State; etc., and declaring an emergency."

The bill was read second time.

Senator Owen offered the following amendment to the bill:

Amend House Bill 18, Section 1, paragraph "(f)" by striking out all of the language following the letter "(f)," beginning on line 11 through line 23 on page 3 of the printed House Bill.

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend House Bill 18, page 5 of the printed bill, by striking out all of Section 4 and substituting in lieu thereof the following:

"Section 4. The fact that the present law is vague, uncertain and indefinite in violation of the Constitution and laws of this State and impairs the effective regulation of traffic on our highways, creates an emer-

agency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted."

The amendment was adopted.

(President Pro Tempore in the chair.)

Senator Herring offered the following amendment to the bill:

Amend H. B. No. 18 by deleting from Section 1 (d) ("Section 8, Subsection 1(d)") the words "truck-tractors," "trailers" "or semi-trailers."

The amendment was read.

On motion of Senator Hardeman the amendment was tabled by the following vote:

Yeas—23

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Bradshaw	Ratliff
Colson	Reagan
Fly	Rogers
Fuller	Secrest
Gonzalez	Smith
Hazlewood	Weinert
Kazen	Willis
Lane	Wood
Lock	

Nays—5

Herring	Martin
Hudson	Roberts
Krueger	

Absent

Moore	Phillips
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Present—Not Voting

Hardeman

Senator Hudson offered the following amendment to the bill:

Amend H. B. No. 18 by adding a new section c in Section 8, Subsection 1 and renumbering succeeding sections:

(c) The speed limit for passenger vehicles shall be 70 miles per hour on multi-lane divided highways dur-

ing daylight hours and sixty miles per hour during the nighttime hours.

The amendment was adopted.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 18 by adding a new section (e):

"The speed limits for trucks, truck-tractors, and truck-trailers shall be 50 miles per hour in the daytime and 45 miles per hour at night."

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend H. B. 18 by striking lines 32 through 36 page 5 of the printed bill and substituting therefor the following:

"Subsection 7. Rule in Civil Actions. The provisions of this Act declaring speed limits shall not be construed to relieve any party in any civil action from the burden he would otherwise have of proving that the negligence of any adverse party was the proximate cause of any event, act, or occurrence."

The amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to third reading.

Record of Vote

Senator Martin asked to be recorded as voting "Nay" on the passage of H. B. No. 18 to third reading.

Motion to Place

House Bill 18 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 18 be placed on its third reading and final passage.

The motion was lost by the following vote. (Not receiving four-fifths vote of the Members present.):

Yeas—23

Aikin	Moore
Ashley	Owen
Colson	Parkhouse
Fly	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Lane	Willis
Lock	Wood
Moffett	

Nays—5

Bracewell	Phillips
Bradshaw	Roberts
Martin	

Absent

Herring	Krueger
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Present—Not Voting

Hardeman

Reason for Vote

I voted "present" on all votes on H. B. 18 because there may be a conflict of interest on my part due to a case pending on appeal in the Court of Criminal Appeals in which I have appeared as attorney for appellant since the case was filed in July, 1954. I take this action by reason of Art. III, Sec. 22 Constitution of Texas.

HARDEMAN

Message to the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 738 by vote of 133 ayes, 0 noes.

Motion to reconsider the vote by which the House concurred was adopted and to table the motion to reconsider prevailed by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 4 by vote of 94 ayes, 39 noes.

Motion to reconsider the vote by which the House concurred was adopted and to table the motion to reconsider prevailed by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 660 by a vote of 129 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 820 by vote of 126 ayes, 0 noes.

Motion to reconsider the vote by which House concurred was adopted and to table the motion to reconsider prevailed by a viva voce vote.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 237 and 308.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Resolution 427

Senator Fly offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Senior Civics Class of the Skidmore-Tynan High School, Skidmore, Bee County, Texas, accompanied by Supt. Sam Hudspeth, their principal, LeRoy Hoff and Mrs. Coker; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students and sponsors to the Members of the Senate.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 194, A bill to be entitled "An Act prohibiting any person employed as a private or confidential investigator from determining or attempting to determine the attendance or number of paid admissions at any motion picture or theater without first displaying to the owner or manager of such theater his license, credentials or authority as such investigator; making other provisions relating thereto; providing penalties; providing a repealing clause; providing a severability clause; and declaring an emergency."

(With Amendment.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 577 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 577, A bill to be entitled "An Act amending Section 5 of the Optional County Road Law of 1947 (Chapter 178, Acts of the 50th Legislature, codified as Article 6716-1 of Vernon's Texas Civil Statutes), so as to authorize the employment of a County Road Administrator to perform the duties imposed upon the County Road Engineer in the event a county is unable to employ a licensed professional engineer."

The bill was read second time and passed to third reading.

(President in the Chair.)

House Bill 577 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 577 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin Ashley

Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Rogers
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Nays—2

Hardeman Martin

Absent

Hudson Roberts
Phillips

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Nays—5

Bradshaw Martin
Fly Moffett
Hardeman

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 74, Suspending Joint Rules to consider Local and Uncontested Bill Calendars.

Presentation of Guests

Senator Kazen by unanimous consent presented The Honorable Ramon Barreto Perez, Senator from Puerto

Rico and his son Jose Hannibal Barreto, a student of the University of Texas.

Presentation of Guests

Senator Reagan by unanimous consent presented Senator William D. Shannon of the State of Washington and Mrs. Shannon to the Members of the Senate.

Presentation of Guests

Senator Bracewell by unanimous consent presented Mrs. Riley R. Kothmann of San Antonio and Miss Kay Dalton of the Houston Post to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments H. J. R. No. 17 by vote of 136 ayes, 0 noes.

S. B. No. 126, A bill to be entitled "An Act declaring it to be illegal to divert waters released from storage and destined for downstream; to promulgate and enforce rules and orders to effectuate the provisions of this Act; providing for the manner of adopting such rules and orders; authorizing appeals from Board rules and orders; providing penalties for violations; providing a savings clause; and declaring an emergency."

(With amendment.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

House Bill 79 on Third Reading

The President laid before the Senate on its third reading and final passage the following bill:

H. B. No. 79, A bill to be entitled "An Act to amend Chapter 325, Acts of the Fiftieth Legislature, 1947 (Vernon's Annotated Civil Statutes, Article 1269m), by amending Section

2 thereof by redefining 'Firemen' and 'Policemen'; and by amending Section 12 thereof by stopping the creation in the future of new classified positions unless established by ordinance; and by amending Section 13 thereof by providing that the results of examinations for promotion shall be published within twenty-four (24) hours; etc.; and declaring an emergency."

The bill was read third time.

Senator Parkhouse offered the following amendment to the bill:

Amend House Bill No. 79, Committee Amendment No. 2 on Page 6, line 65, by changing the period after the word 'election' to a semicolon and adding the following:

"provided, however, that the provisions of this Act shall not apply to any city which has heretofore rejected the provisions of Chapter 325, Acts of the 50th Legislature, 1947 (Vernon's Annotated Civil Statutes, Article 1269 m), at an election duly held in such city and which such city has in its charter provisions for and administers a civil service system applicable to policemen and firemen."

The amendment was read.

Question—Shall the amendment by Senator Parkhouse to H. B. No. 79 be adopted?

Executive Session

On motion of Senator Lock and by unanimous consent, the Senate agreed to hold an executive session at 12:12 o'clock p.m. today.

Accordingly the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year term to expire March 13, 1959: H. C. Cage of Houston, Harris County; Henry Corry of Houston, Harris County; Roy C. Blodgett of Houston, Harris County.

To be Canadian River Compact Commissioner for term to expire December 3, 1957: C. E. Fulgham of Lubbock, Lubbock County.

To be members of the Central Colorado River Authority for terms to expire January 1, 1963: Leroy Stockard of Santa Anna, Coleman County; O. L. Cheaney of Santa Anna, Coleman County; Frank Hudson of Novice, Coleman County.

To be a member of the Dallas County Flood Control District Board of Directors for term to expire September 4, 1961: Ray A. Foley of Dallas, Dallas County.

To be Firemen's Pension Commissioner for term to expire July 1, 1957: Mrs. Marie Hudson of Austin, Travis County.

To be a member of the Guadalupe-Blanco River Authority, to fill the unexpired term of Lawrence Wood, resigned, term to expire February 1, 1957: Gerald Bissett of Refugio, Refugio County.

To be a member of the Guadalupe-Blanco River Authority, to fill the unexpired term of Mr. H. A. Wagenfuehr, term to expire February 1, 1957: Howard C. McKenna of New Braunfels, Comal County.

To be members of the Lower Colorado River Authority for terms to expire January 1, 1963: W. D. Corder of Burnet, Burnet County; M. C. Dalchau of Llano, Llano County; Sam K. Seymour, Jr., of Columbus, Colorado County; R. D. Wright of Wharton, Wharton County.

To be members of the Lower Concho Water and Soil Conservation Authority for terms to expire January 1, 1963: Joe Brosig of Paint Rock, Concho County; Lester Lockett of Eden, Concho County; Lambert Abernathy of Millersview, Concho County.

To be members, Board of Trustees, Municipal Retirement System for terms to expire December 31, 1962: Clifford L. Davis of Amarillo, Potter County; D. D. Nixon of Lampasas, Lampasas County.

To be members, Board of Directors, Neches River Conservation District: For terms to expire September 5, 1961: Dean W. Turner of Henderson, Rusk County; Oscar Burton

of Tyler, Smith County; James W. Peavy of Lufkin, Angelina County. For terms to expire September 5, 1957, to fill unexpired term of Joe Richards, resigned: Dr. Joe Dickerson of Jasper, Jasper County. For term to expire September 5, 1957, to fill unexpired term of Millard Cope, resigned: W. R. Beaumier of Lufkin, Angelina County. For term to expire September 5, 1959, to fill unexpired term of H. L. Edwards, resigned: J. B. Sallas of Crockett, Houston County.

To be members of the Board of Directors, Nueces River Conservation and Reclamation District for term to expire February 1, 1961: E. N. Tutt of Taft, San Patricio County. To fill the unexpired term of John M. Bennett, Jr., resigned, term to expire February 1, 1959: F. W. Pulliam of Crystal City, Zavala County.

To be members of the Board of Directors of the Runnels County Water Improvement District: For terms to expire January 1, 1959: Ray Fuqua of Ballinger; P. M. Davis of Winters; C. C. McKnight of Winters. For terms to expire January 1, 1961: Audra L. Mitchell of Winters; Joe Simmons of Miles; John Bradley of Ballinger. For terms to expire January 1, 1963: Earl Barr of Ballinger; Joe Crockett of Winters; Cecil Roper of Norton.

To be members of the Sabine River Authority: For terms to expire July 6, 1961: D. N. Beasley of San Augustine, San Augustine County; L. L. Bowman, Jr., of Greenville, Hunt County; O. L. Norton of Longview, Gregg County. To fill the unexpired term of John W. Simmons, resigned, term to expire July 6, 1957: John E. Lowe of Vidor, Orange County.

To be members of the Sabine River Compact Commission: For term to expire September 10, 1957, filling unexpired term of Byron Tinsley, resigned: J. Ross Hopkins of Carthage, Panola County. For term to expire September 10, 1958: Henry L. Woodworth of Orange, Orange County.

To be a member of the Board of Directors, Texas Technological College, for six-year term to expire February 19, 1963: C. I. (Stony) Wall of Amarillo, Potter County.

To be members of the Trinity River Authority Board of Directors:

For terms to expire March 15, 1957: O. P. Leonard of Fort Worth, Tarrant County; Frank Hamm of Lancaster, Dallas County; Edward M. Griffith, Terrell, Kaufman County; J. D. Kirvin, Waxahachie, Ellis County; J. W. Rogers, Centerville, Leon County; William Forrest, Jr., Madisonville, Madison County; Paul H. Cauthan, Jr., Trinity, Trinity County; Bernice Finger of Shepherd, San Jacinto County (fills unexpired term of M. D. Trapp, resigned). For terms to expire March 15, 1959: John M. Scott of Fort Worth, Tarrant County (fills unexpired term of Earl Baldrige, resigned); Leonard Green of Dallas, Dallas County (fills unexpired term of J. Frank Wilson, resigned); Roderic Thomas, Dallas, Dallas County; Clyde Alexander, Trinidad, Henderson County; W. Lamar Hamilton, Palestine, Anderson County; F. Morris Sneed, Fairfield, Freestone County; John Smither, Huntsville, Walker County; Clopton A. Miles, Liberty, Liberty County.

To be members of the Trinity River Authority Board of Directors: For terms to expire March 15, 1961: Amon G. Carter, Fort Worth, Tarrant County; Ben H. Carpenter, Dallas, Dallas County; Joe E. Butler, Corsicana, Navarro County; Sam F. Arledge, Crockett, Houston County; Lewis S. Stanford, Livingston, Polk County; C. L. McIver, Leona, Leon County (Director-at-Large); Cole Y. Townley, Huntsville, Walker County (Director-at-Large); E. L. Nolte, Anahuac, Chambers County.

To be members of the Upper Colorado River Authority, for terms to expire January 1, 1963: L. T. Youngblood of Bronte, Coke County; Rufus W. Foster of Sterling City, Sterling County; Dale Leddy of San Angelo, Tom Green County.

To be members of the Upper Guadalupe River Authority: For terms to expire January 1, 1963, Fred Junkin of Kerrville, Kerr County; S. Eastland of Kerrville, Kerr County; L. T. Davis of Kerrville, Kerr County. To fill the unexpired term of L. Roger Adkins, resigned, term to expire January 1, 1961, Whitlock Zander of Hunt, Kerr County.

To be members of the Upper Neches River Municipal Water Authority, for terms to expire January

1, 1963: E. B. Musick of Rusk, Cherokee County; T. E. Acker of Jacksonville, Cherokee County; John B. McDonald of Palestine, Anderson County.

To be members of the Upper Red River Flood Control and Irrigation District Board of Directors: For terms to expire July 3, 1959: Carl Hill of Parnell, Hall County; Woods Coffee, Jr., of Silverton, Briscoe County. For terms to expire July 3, 1961, Arville Setliff of Turkey, Hall County; James G. Ellison of Quitaque, Briscoe County.

To be a member of the State Board of Control, for six year term to expire August 31, 1961, (designated Chairman): J. M. Patterson, Jr., of Austin, Travis County.

To be members of the Water Resources Committee, for terms to expire August 26, 1957: Howard Boswell of Temple, Bell County; O. G. McClain of Corpus Christi, Nueces County; Marvin C. Nichols of Fort Worth, Tarrant County.

To be a member of the State Board of Public Accountancy, for two year term to expire September 4, 1958: J. P. Jenkins of Wichita Falls, Wichita County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 1:00 o'clock p.m.

Senate Bill 465 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hudson
Ashley	Kazen
Bracewell	Krueger
Bradshaw	Lane
Colson	Lock
Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan

Roberts
Rogers
Secrest
Smith

Weinert
Willis
Wood

Absent

Martin

Moffett

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Aikin and Moore:

S. B. No. 465, A bill to be entitled "An Act placing all county attorneys performing the duties of district attorney on a salary basis of compensation and fixing the minimum and maximum amounts of such salaries; providing for payments by the State into the Officers' Salary Fund of each county having a county attorney performing the duties of district attorney; amending Subsection (b) of Section 13 and Subsection (a) of Section 15, Chap. 465, Acts of the 44th Legislature, Second Called Session, as amended, so as to delete provisions for apportionment of State appropriations made pursuant to those statutes to counties having a county attorney performing the duties of district attorney; stating the effect of this Act on other laws; providing an operative date; and declaring an emergency."

To the Committee on Finance.

Recess

On motion of Senator Hardeman the Senate at 1:03 o'clock p.m. took recess until 2:45 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:45 o'clock p.m. today.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. C. R. No. 38, To the Committee on Education.

H. C. R. No. 88, To the Committee on Jurisprudence.

H. C. R. No. 54, To the Committee on Jurisprudence.

H. B. No. 914, To the Committee on Water and Conservation.

H. B. No. 558, To the Committee on Water and Conservation.

H. C. R. No. 45, To the Committee on Jurisprudence.

Reports of Standing Committees

Senator Owen by unanimous consent submitted the following reports:

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 876, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

OWEN, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 891, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 594, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 289, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 448, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 897, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 462, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Phillips by unanimous consent submitted the following reports:

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 36, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 30, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 31, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Senate Concurrent Resolution 72

Senator Lock offered the following resolution:

S. C. R. No. 72, Enrolling Clerk to make certain corrections in S. B. No. 94.

Whereas, Senate Bill No. 94 has been returned from the Governor's Office and is now in the Engrossing and Enrolling Room of the Senate; and

Whereas, It has been discovered that the words "within three (3) days after the precinct convention" should be inserted between the words "convention" and "to" on Page 2, the 27th line of the enrolled copy of the bill; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk be authorized to make said corrections in said Senate Bill No. 94.

The resolution was read.

On motion of Senator Lock and by unanimous consent the resolution was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 347, A bill to be entitled "An Act amending Section 2 of Chapter 3, House Bill No. 9, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by Chapter 57, Acts of the Fifty-third Legislature, Regular Session, 1953; providing for the leasing of lands belonging to the State of Texas for the production of oil, gas, coal, lignite, sulphur, salt and potash; providing that leasing of minerals other than oil and gas shall not be subject to the provisions of Article 5359, Revised Civil Statutes, 1925, and Subsection 5, Section 8-A of Section 1, Chapter 40, Acts of the Forty-second Legislature, Second Called Session, 1931; providing that the minerals may, at the discretion of the School Land Board, be leased together or separately; providing the minimum royalty; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 348, A bill to be entitled "An Act amending Chapter 497, Acts of the Fifty-fourth Legislature, Regular Session, 1955; providing for the prospecting of land belonging to the State for certain minerals; providing for the filing of an application with the Commissioner of the General Land Office; providing the rental payment to accompany such application; providing for the issuance of permits by the Commissioner of the General Land Office; providing for the filing of an application to lease by the permittee; providing the rental payments under a lease; providing that applicants shall forward field notes when the area to be leased is less than that covered by the permit; providing the terms of a lease and the royalty thereunder; providing for the inclusion in such lease, such provisions as the Commissioner may deem necessary; providing that the Commissioner may forfeit leases for certain reasons; providing for the amendment of existing permits and leases and the payments therefor; providing for notification of owners of existing permits and leases by the Commissioner; providing that existing permits and leases not amended shall become subject to other applications for the minerals not covered by such existing permits and leases;

providing a severability clause; and declaring an emergency."

S. B. No. 268, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 162, Acts of the 49th Legislature, Regular Session, by the addition thereto a new Section 5a, to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 191, A bill to be entitled "An Act to amend Article 21.21 of Chapter Twenty-one of the Insurance Code (Acts 1909, p. 192 as amended by Acts 1929, 41st Legislature, 1st Called Session, p. 5, Chapter 3, Section 1) so as to provide authority for the regulation of unfair methods of competition and unfair deceptive acts and practices in the business of insurance; to provide penalties for violations of provisions hereof; and declaring an emergency."

(With amendment.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Resolution 428

Senator Fuller offered the following resolution:

Whereas, We are honored today to have in the gallery the Eighth Grade of Ursuline Academy in Dallas, accompanied by Mothers Theresa and Mary Joseph and Mrs. Oueda L. Damschroder; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official

seal of the Senate, be mailed to them in recognition of their visit.

**PARKHOUSE
FULLER**

The resolution was read and was adopted.

Senator Fuller by unanimous consent presented the students, sponsors and teachers to the Members of the Senate.

Senate Resolution 429

Senator Roberts offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 24 pupils from Senior High School, Greenville, Texas, accompanied by their teacher and sponsors, Miss Elinita Patton and Mr. and Mrs. Eben Carsey; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

House Bill 897 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 897 was ordered not printed.

Senate Resolution 430

Senator Moffett offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of Guthrie High School, Guthrie, Texas, accompanied by their teachers, Mr. H. E. Walton and Mr. W. M. Wright, and their wives, Mrs. H. E. Walton and Mrs. W. M. Wright; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 431

Senator Lock offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Class of the Hemphill High School, accompanied by their teachers, Bob Sewell and Carl Foster; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Lock by unanimous consent presented the students and teachers to the Members of the Senate.

Presentation of Guests

Senator Ashley by unanimous consent presented Mr. Richard Johnson of Lampasas to the Members of the Senate.

Senate Bill 191 with House Amendments

Senator Lock called S. B. No. 191

from the President's desk for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lock moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Bradshaw	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Krueger	Smith
Lane	Willis
Lock	Wood
Martin	

Absent

Colson	Kazen
Fly	Secrest
Hudson	Weinert

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 103, A bill to be entitled

"An Act providing for the allocation of one per cent (1%) of the total Permanent School Fund to the Available School Fund in compliance with Article 7, Section 5 of the Texas Constitution; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

House Bill 79 on Third Reading

The President laid before the Senate as pending business H. B. No. 79 on its third reading with an amendment by Senator Parkhouse pending.

Question—Shall the amendment by Senator Parkhouse to H. B. No. 79 be adopted?

(Pending discussion by Senator Parkhouse of the amendment Senator Hardeman occupied the Chair.)

(Senator Lane in the Chair.)

(Pending further discussion by Senator Parkhouse of the amendment, Senator Hardeman occupied the Chair.)

(President in the Chair.)

Question—Shall the amendment by Senator Parkhouse to H. B. No. 79 be adopted?

Adjournment

On motion of Senator Hardeman the Senate at 5:34 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, April 29, 1957.

Record of Votes

Senators Colson and Phillips asked to be recorded as voting "Nay" on the motion to adjourn.

In Memory of
Sergeant Ernst Seeger

Senator Moore offered the following resolution:

(Senate Resolution 421)

Whereas, On March 28, 1957, the City of College Station and the State of Texas lost an esteemed citizen in the passing of Sgt. Ernst Seeger; and

Whereas, Ernst Seeger was born July 10, 1886 in Mulheim, Germany. He came to the United States as a young man and joined the United States Army July 19, 1914; and

Whereas, Ernst Seeger married Mrs. Ann Boyett of College Station in 1932, who survives him. Other survivors are a nephew, Ernest Seeger of Houston, Texas and one brother and one sister of Mulheim, Germany; and

Whereas, Sgt. Seeger with fervent devotion and with love so strong for his adopted country dedicated himself to a life of military service in appreciation. Sgt. Seeger enlisted and re-enlisted eight consecutive times serving over 30 years, most of which was in the U. S. Cavalry; and

Whereas, Sgt. Seeger's long service included an expedition into Mexico in pursuit of Pancho Villa as well as many years in ROTC work at A. & M. College where he helped train thousands of young men to be cavalry officers. Sgt. Seeger was long known as a "soldier's soldier" refusing many times the opportunity to become a commissioned officer in order that he might remain on the level of the enlisted man to whom he was so devoted; and

Whereas, During Sgt. Seeger's long military career he received many citations and commendations; an unusual citation being that during his more than thirty years in the U. S. Army he lost not one day of service; and

Whereas, Sgt. Seeger was a long-time member of the American Legion and the Sons of Hermann Lodge of Bryan, Texas. Since his retirement from the U. S. Army, Sgt. Seeger continued his service to his fellow man by being elected unopposed several times as a member of the City Council and was at the time of his death serving as City Councilman of the City of College Station, Texas; and

Whereas, This good man's life of service, both military and civilian, brings to mind the comforting promise in the Book of St. Matthew of the Holy Bible: "Inasmuch as Ye have done it unto one of the least of these, my Brethren, Ye have done it unto Me"; now, therefore, be it

Resolved, That the Senate of the State of Texas pass this its tribute to Sgt. Ernst Seeger, that a page in the Senate Journal be set aside in his memory; and that when the Senate adjourns this day it do so in memory of this good man.

MOORE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Roberts and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of Alex Morton Smith

Senator Roberts offered the following resolution:

(Senate Resolution 422)

Whereas, On April 7, 1957, in the untimely passing of Alex Morton Smith the State of Texas, and in particular the people of Cooke County and the City of Gainesville, suffered an irreparable loss; and

Whereas, Alex Morton Smith was born in Gainesville, Texas, November 7, 1908, the son of Alex Montague Smith and Stella Green Smith; attended East School in Gainesville and was graduated from Gainesville High School in May, 1921; was employed as a cub reporter by THE GAINESVILLE REGISTER on April 24, 1923, moving up to become City Editor, then Editor, and finally Managing Editor, the position he held at the time of his death; and

Whereas, He was married to Miss Louise Shriver, a native of Nashville, Tennessee, on December 6, 1926, in Gainesville; and

Whereas, From his childhood he displayed a love for the circus, and in 1924, with seven other young men, founded the Gainesville Little Theatre, out of which grew the Little Theatre Mammoth Three-Ring Circus in 1929, that became the Gainesville Community Circus, the third largest circus in the nation for several years; was equestrian director and announcer for the circus for some years; was program director for the 25 years he was active with the group; in 1931 joined the Circus Fans of America, an exclusive group limited to 1000 members devoted to aiding the welfare of circuses, and was elected president of the group in 1952; and

Whereas, His love of history led him to write "The First 100 Years in Cooke County," published June 5, 1955, which has been acclaimed as one of the most complete and authentic county histories ever produced in Texas; and

Whereas, He was a member of the Whaley Memorial Methodist Church in Gainesville, serving from 1926 to 1955 as a steward of the church; was usher at the south door of the church for 25 years, was secretary of the Men's Bible Class, Superintendent of the Young People's Department, Adult Superintendent and General Superintendent of the Sunday School; served three years as chairman of the Board of Christian Education; served several years as chairman of the Finance Committee; was a truly religious man to whom his religion was a personal, practical, everyday matter; and

Whereas, He was a member of the Kiwanis Club from 1922, serving as secretary and district trustee of the Gainesville club; Texas-Oklahoma District Publicity Chairman; Lieutenant-Governor of Division I in 1928-1929; served as Fifth Ward Democratic Executive Member in 1930, until 1934; was elected County Chairman of the Democratic Party in 1934, serving in that office for ten years; and

Whereas, The Senate of Texas takes note of the fact that Alex Morton Smith was a giant among men, whose good works will remain as a monument to his memory; and

Whereas, The Senate further recognizes that Alex Morton Smith was widely respected and enjoyed a special place in the heart of all who knew him; was a great and good man, loyal and true to his family and friends; and had a happy faculty of doing a maximum of good with a minimum of publicity; now, therefore, be it

Resolved, That this be our word of deep regret but of comfort to his wife, Louise Shriver Smith; his two sons, Daniel Montague Smith, and Jerry Green Smith; his sister, Mrs. D. W. Shepherd; his two nephews, Bill King, and Jack King; and his aunt, Mrs. C. S. Higgins; and be it further

Resolved, That a copy of this resolution be sent to each member of his family; and that when the Senate adjourns today it do so in honor and in memory of Alex Morton Smith.

ROBERTS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzales, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Moore and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof. The resolution was then adopted by a rising vote of the Senate.